

**PATENT APPLICATION**

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re application of

Docket No: Q76509

Jong-hak AHN, et al.

Appln. No.: 10/647,254

Group Art Unit: 2624

Confirmation No.: 3042

Examiner: Amir ALAVI

Filed: August 26, 2003

For: MPEG VIDEO DECODING METHOD AND MPEG VIDEO DECODER

**REQUEST FOR REFUND**

**MAIL STOP 16**

Director of the U.S. Patent and Trademark Office  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

Applicant hereby respectfully requests a refund in the amount of \$1110.00. This refund is to be credited to Deposit Account No. 19-4880. A copy of the Deposit Account Monthly Statement showing the \$1110.00 charge on April 22, 2009 (allegedly for a three-month extension fee) to our account is enclosed. Applicants' representative respectfully submits that the April 22<sup>nd</sup> three-month extension fee charge is improper.

Specifically, in conversations with the Examiner, a Legal Instruments Examiner (LIE), and the Supervisory Patent Examiner (SPE) between April 16, 2009 and April 20, 2009, Applicants' representative was informed that the instant application was abandoned because a timely reply was not filed to the Office Action dated July 11, 2008, and thus, the Amendment filed April 15, 2009 will not be entered. This is inaccurate, however, since the July 11<sup>th</sup> Office Action merely required cancellation of claims 5-7 and 12-14 within one month (August 11, 2008,

which was a non-extendible due date) to place the application in condition for immediate allowance. Moreover, the July 11<sup>th</sup> Office Action stated that “[f]ailure to take action during this period will be treated as authorization to cancel the noted claims by Examiner’s Amendment and pass the case to issue” (July 11<sup>th</sup> Office Action, page 2).

Regardless, Applicants’ representative called the Examiner and authorized cancellation of the withdrawn claims 5-7 and 12-14 on July 28, 2009. As such, there is no basis for abandoning the application based on the July 11<sup>th</sup> Office Action, especially in view of the fact that *even if no timely response was made*, the Examiner stated in the July 11<sup>th</sup> Office Action that the application will be forwarded to issue after canceling the withdrawn claims.

The Examiners (i.e., the Examiner, LIE, and SPE) seem to be alleging that a potential 35 U.S.C. § 101 rejection was included in the July 11<sup>th</sup> Office Action since the Examiner informed the Applicants’ representative about the potential § 101 issues on November 19, 2008 during a telephone conversation. This again, is inaccurate because first, no 35 U.S.C. § 101 rejection to the claims was made in any Office Action. Second, the Examiner indicated on November 19<sup>th</sup> that he would be issuing another Office Action with the 35 U.S.C. § 101 rejection, as Applicants’ representative clarified on the record in the Statement of Substance of Interview filed December 23, 2008.

However, to expedite prosecution, Applicants filed an Amendment on April 15, 2009 amending the claims. On April 20, 2009, the SPE indicated that he would enter the April 15<sup>th</sup> Amendment if Applicants approved, but would also charge a three-month extension fee (\$1110.00) for such entry. Although Applicants do not agree with the three-month extension fee charge, since it is unnecessary, Applicants’ approved entry of the Amendment to expedite prosecution. However, Applicants’ representative informed the SPE that Applicants reserve the

right to file a request for refund for the improper charge of \$1110.00. Accordingly, the instant request for refund is being filed.

In view of the foregoing, Applicants' representative do not believe there is any basis for abandoning the instant application, and for not entering the April 15<sup>th</sup> Amendment. Accordingly, refund of the improperly charged amount of \$1110.00 on April 22, 2009 to Deposit Account No. 19-4880 is respectfully requested. This refund is to be credited to Deposit Account No. 19-4880.

Respectfully submitted,



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**23373**

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Date: October 29, 2009



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FINA

Account No.	194880
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